IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 12065 of 2005

Between:

M.N.Rao S/o.Kameshwara Rao,
E.No.452025, Gunnepalle Agraharam (Village),
Nandampudi (Post), Via Ambajipeta,
East Godavari District.

..... PETITIONER

AND

The Depot Manager APSRTC, Ravulapalem Depot,
East Godavari District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the respondents herein by issuing a writ, order or direction more particularly one in the nature of writ of Mandamus by declaring the Proceedings No.PA/95(28)/05-RVPM dt.28.4.2005 placing me under suspension as arbitrary, illegal, unjust contrary to law, no public interest is involved, without application of mind and also in violation of Article 14 and 21 of the Constitution of India and consequently set aside the impugned proceedings dt.28.4.2005 and to pass such other order or orders.

Counsel for the Petitioner: MR.P.SRIDHAR RAO

Counsel for the Respondent: KUM.B.G.UMA DEVI

The Court at the admission stage made the following ORDER :

This writ petition is filed by the petitioner aggrieved by the order of suspension dated 28.04.2005.

2. The petitioner was appointed as a Conductor in the respondent Corporation in the year 1988. On 25.04.2005, when the petitioner was conducting the bus on the route Ravulapalem to Bobbarlanka, a check was conducted by the Checking Officials between 5/6 stage and certain cash and ticket irregularities were found and accordingly he was charge sheeted. Pending enquiry on the charges, he was placed under suspension by an order dated 28.04.2005, which was assailed in the present writ petition.

3. The contention of the learned counsel for the petitioner is that certain passengers boarded the bus in between the stages 4/5 and within a half kilometer the Checking Officials entered the bus. By the time the Checking Officials entered the bus, the petitioner was checking the passengers for issuing the tickets. Therefore, there is no irregularity on the part of the petitioner as he was in the process of issuing tickets. Further, penalty was collected from the passengers to the extent of Rs.60/-. Therefore, the impugned order is illegal and unsustainable.

4. The learned Standing Counsel for the respondent Corporation supported the order and contended that as it is only suspension pending enquiry, the same is not called for any interference.

5. Heard both sides and considered the material available on record.

6. *Prima facie,* this writ petition is premature and this Court does not go into the

merits of the suspension order, which was passed pending enquiry. As no defects were found and even according to the petitioner's explanation three passengers were traveling without tickets from Vaddiparru to Bobbarlanka and penalty was collected, the respondent authorities are directed to complete the enquiry expeditiously, preferably within a period of six weeks from the date of receipt of a copy of this order. If no enquiry is initiated and completed by that time, the respondent Corporation is obligated to reinstate the petitioner into service.

7. The writ petition is accordingly disposed of. No costs.

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S.Ananda Reddy, J

Date: 09.06.2005

Note: Furnish CC in one week

B/o

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To

1. The Depot Manager APSRTC, Ravulapalem Depot,
East Godavari District.

2. Two CD Copies